

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

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INTERIM APPLICATION NO.38425 OF 2025

**IN
FIRST APPEAL NO.1256 OF 2015**

Dr. Zakir Hussein Education Society Trust

Through its reporting Trustees & Ors.

....Applicants/Appellants

V/s.

Shaikh Salim Abdul Latif & Anr.

....Respondents

Mr. Sanil Pandire for the applicants/appellants.

Mr. Pramod Joshi a/w Ms. Rukmini Khairnar for respondent no.1.

CORAM : JITENDRA JAIN, J.

DATED : 15th December 2025

P.C. :

1. This application is taken out by the applicants seeking impleadment as trustees of the trust in the present appeal.
2. On a query being raised by the Court, learned counsel for the applicants states that their application for appointing themselves as trustees is pending as of today before the Charity Commissioner.
3. In my view, as of today, the present applicants are not appointed as trustees and therefore, cannot seek impleadment in the present appeal as of today. Once the application is decided by the Charity Commissioner, then consequences will follow. Till then, no cause of action arises in favour of the present applicants.
4. Learned counsel for the applicants states that the Charity Commissioner is not adjudicating the application. In my view, if that be so,

then remedy lies somewhere else. This Court cannot give direction in the present appeal to the Charity Commissioner to dispose of the application.

5. Liberty to the applicants to seek intervention in the present appeal based on the outcome of the application which is pending before the Charity Commissioner for appointment of themselves as trustees.

6. Interim application is disposed of in above terms.

(JITENDRA JAIN, J.)